

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DEREK COPPINS,

Petitioner,

v.

9:20-CV-0736  
(GTS/DJS)

WILLIAM LEE,

Respondent.

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APPEARANCES:

OF COUNSEL:

DEREK COPPINS, 17-A-0399  
Petitioner, *Pro Se*  
Eastern NY Correctional Facility  
Box 339  
Napanoch, New York 12458

HON. LETITIA A. JAMES  
Attorney General for the State of New York  
Counsel for Respondent  
28 Liberty Street  
New York, New York 10005

DENNIS A. RAMBAUD, ESQ.  
Assistant Attorney General

GLENN T. SUDDABY, Chief United States District Judge

**DECISION and ORDER**

Currently before the Court in this habeas corpus proceeding filed by Derek Coppins (“Petitioner”) pursuant to 28 U.S.C. § 2254, are (1) the Report-Recommendation of United States Magistrate Judge Daniel J. Stewart recommending that the Petition be denied and dismissed because Petitioner’s claim involves a question of state procedural law that is not cognizable in a federal habeas corpus proceeding, and recommending that no Certificate of Appealability be issued, (2) Petitioner’s (one-page) Objection to the Report-Recommendation, and (3) his motion

for the appointment of counsel. (Dkt. Nos. 13, 14, 15.) After carefully reviewing the relevant papers herein, including Magistrate Judge Stewart's thorough Report-Recommendation, the Court can find no error in the Report-Recommendation, clear or otherwise: Magistrate Judge Stewart employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein, the Petition is denied and dismissed, and Petitioner's motion for the appointment of counsel is denied as moot (and alternatively as unsupported by a showing of cause).

**ACCORDINGLY**, it is

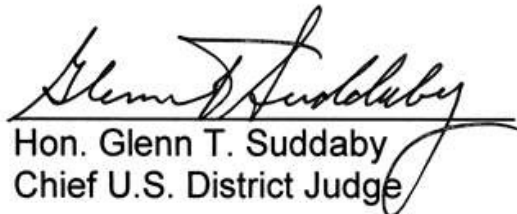
**ORDERED** that Magistrate Judge Stewart's Report-Recommendation (Dkt. No. 13) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

**ORDERED** that Petitioner's Petition for a writ of habeas corpus (Dkt. No. 1) is **DENIED** and **DISMISSED**; and it is further

**ORDERED** that Petitioner's motion for the appointment of counsel (Dkt. No. 15) is **DENIED**.

The Court declines to issue a Certificate of Appealability because Petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

Dated: June 17, 2021  
Syracuse, New York

  
Hon. Glenn T. Suddaby  
Chief U.S. District Judge